

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**IN RE: DAWN MARIE VOLLMAN,
Debtor.**

**CASE NO. 05-70774-DHA
CHAPTER 13**

MEMORANDUM OPINION AND ORDER

This matter came on for hearing before the Court on October 25, 2005, upon the hearing on confirmation of the Debtor's Chapter 13 Plan, upon the Trustee's Objection to Confirmation, upon the Objection to Confirmation, Motion for Sanctions, and Motion to Dismiss of Albert L. Vollman, Jr. (the "Movant"), upon Notice of the Motion to Dismiss to all creditors and parties in interest, upon the appearance in person or by counsel of the Debtor, the Trustee and the Movant, and was argued by counsel.

FINDINGS OF FACT

Upon consideration whereof, and the Court having reviewed the schedules, statements and plans filed herein by the Debtor, and the various amendments thereto, and the Debtor having been duly sworn and having testified, the Court makes the following findings of fact: The Court finds that the Debtor has been involved in a previous chapter 13 bankruptcy proceeding and is therefore familiar with the bankruptcy process; that, despite her familiarity with the bankruptcy process, the Debtor has failed to file accurate schedules in this case and has failed to be forthcoming with the Court, the Trustee, and her creditors; that the Debtor has failed to comply with the bankruptcy rules; that the Debtor has not complied with the Orders of this Court; and that the Debtor has not taken responsibility for her actions.

John M. Barrett, Esquire, VSB # 50912
One Columbus Center, Suite 600
Virginia Beach, VA 23462
Tel: (757) 417-6640 Fax: (757) 417-6649
Counsel for Movant Albert L. Vollman, Jr.

RULINGS OF LAW

WHEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. The Objections to Confirmation filed by Frank J. Santoro, Chapter 13 Trustee, and Albert L. Vollman, Jr., are hereby sustained;
2. That Confirmation of the Debtor's Chapter 13 Plan is hereby denied;
3. That, despite the existence of grounds for imposing sanctions upon the Debtor, the Motion for Sanctions is moot.
4. That the Debtor's case is hereby dismissed, for cause, and the Debtor is prohibited from refiling any petition under any chapter of the U.S. Bankruptcy Code for twelve months.

It is further ORDERED that a copy of this Order, when entered, be mailed or electronically transmitted to:

John M. Barrett, Esquire
One Columbus Center
Suite 600
Virginia Beach, VA 23462

Kenneth A. Moreno, Esquire
Counsel for Debtor
3720 Holland Road, Suite 103
Virginia Beach, VA 23452

Frank J. Santoro, Esquire
Chapter 13 Trustee
1435 Crossways Boulevard
Suite #301
Chesapeake, VA 23320

Dawn Marie Vollman, Debtor
325 Aragona Blvd.
Virginia Beach, VA 23462

Brice, Vander Linden & Wernick, P.C.
9441 LBJ Freeway, Suite 350
Dallas, TX 75243

ENTERED:

David H. Adams,
U.S. Bankruptcy Court Judge

I ask for this:

/s/ John M. Barrett

Counsel for Movant Albert L. Vollman, Jr.

CERTIFICATE

I hereby certify that on October 31, 2005, a true and complete copy of the foregoing Order was mailed or electronically transmitted to all necessary parties, as follows:

Frank J. Santoro, Esquire
Chapter 13 Trustee
1435 Crossways Boulevard
Suite #301
Chesapeake, VA 23320

Kenneth A. Moreno, Esquire
Counsel for Debtor
3720 Holland Road, Suite 103
Virginia Beach, VA 23452

Dawn Marie Vollman, Debtor
325 Aragona Blvd.
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/s/ John M. Barrett

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